

EXHIBIT 1



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Transcript of Ruth Smith

Date: December 2, 2022

Case: Smith -v- SunPath, Ltd.

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<p>49</p> <p>1 review them before they were served?</p> <p>2 MR. SMITH: Objection, asked and</p> <p>3 answered. Also vague.</p> <p>4 You can answer. Any time I don't</p> <p>5 instruct you, you can answer the question.</p> <p>6 A So you asked me if -- could you restate</p> <p>7 the question?</p> <p>8 BY MR. CAFFAS:</p> <p>9 Q These supplemental interrogatory</p> <p>10 responses that we're discussing, these were served</p> <p>11 on November 11, 2022. Today is December 2, 2022,</p> <p>12 so it was just a few weeks ago. You had said</p> <p>13 before that you reviewed these supplemental</p> <p>14 interrogatories and verified them prior to them</p> <p>15 being served, correct?</p> <p>16 A Yes, I reviewed. To the best of my</p> <p>17 knowledge, this is correct, yes.</p> <p>18 Q So just a couple weeks ago on November</p> <p>19 11, you verified the information that we're</p> <p>20 discussing that the caller did not identify</p> <p>21 himself by their first and last name, right?</p> <p>22 A Yes. I reviewed the document to the</p>	<p>51</p> <p>1 this particular call, would I have provided a</p> <p>2 response? Yes.</p> <p>3 BY MR. CAFFAS:</p> <p>4 Q So then can I take it to -- so can I</p> <p>5 understand that if you reviewed these notes two</p> <p>6 weeks ago and didn't provide a name in the</p> <p>7 response, then you don't know the name?</p> <p>8 A I would have to go back through my notes</p> <p>9 specifically.</p> <p>10 Q So do you not know whether the name was</p> <p>11 in your notes or not?</p> <p>12 A For this -- for this particular -- for</p> <p>13 this particular number, the (410) 844-6327?</p> <p>14 Q Yes. I'm referring to the same sentence</p> <p>15 we've been discussing, which is on the second</p> <p>16 paragraph of your supplemental answer to</p> <p>17 interrogatory one where you say that the caller</p> <p>18 did not identify themselves by their first and</p> <p>19 last name.</p> <p>20 A So you're asking me if I had -- if I had</p> <p>21 the last name, it would be included, or the first</p> <p>22 name?</p>
<p>50</p> <p>1 best of my knowledge, yeah.</p> <p>2 Q Did you review the notes that you're</p> <p>3 referring to that were sent to your counsel when</p> <p>4 you verified these interrogatory responses?</p> <p>5 A I believe I did, yes.</p> <p>6 Q And you're saying now that you can't</p> <p>7 remember what those notes said at all?</p> <p>8 A I generally remember, but not</p> <p>9 specifically. That's why I would have to refer to</p> <p>10 them.</p> <p>11 Q And if the name of the caller was</p> <p>12 included in those notes, is there a reason why you</p> <p>13 didn't include it in your supplemental</p> <p>14 interrogatory response?</p> <p>15 A So I defer to my counsel.</p> <p>16 Q You defer to your counsel on what?</p> <p>17 A On how the document was prepared. Or I</p> <p>18 rely on my counsel. Excuse me.</p> <p>19 MR. SMITH: He's just asking if you had</p> <p>20 the name, would you have included it in the</p> <p>21 response?</p> <p>22 A So if I specifically had the name for</p>	<p>52</p> <p>1 Q I believe your testimony today -- you</p> <p>2 can correct me if I'm misunderstanding -- is that</p> <p>3 you believe that that information is in the notes</p> <p>4 that you reviewed a few weeks ago in order to</p> <p>5 submit these on November 11. Is that right?</p> <p>6 MR. SMITH: Object to form, misstates</p> <p>7 the witness's testimony.</p> <p>8 A Yeah. I do not -- I do not have a last</p> <p>9 name. I have to confirm about the first name if</p> <p>10 it would be tied to that phone number.</p> <p>11 BY MR. CAFFAS:</p> <p>12 Q The next line of that paragraph and the</p> <p>13 final line says, "Further, the caller solicited</p> <p>14 plaintiff to purchase SunPath's vehicle service</p> <p>15 contracts." Can you describe how the caller</p> <p>16 solicited you to purchase SunPath's vehicle</p> <p>17 service contracts.</p> <p>18 A I would have to -- for the exact</p> <p>19 information, I would have to refer to my notes.</p> <p>20 MR. CAFFAS: Can we take a break to go</p> <p>21 off the record, please?</p> <p>22 MR. SMITH: Sure.</p>

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<p>53</p> <p>1 (Discussion off the record from 11:00 2 a.m. to 11:00 a.m.) 3 MR. CAFFAS: Let's go back on the 4 record. 5 Can you reread my last question, Kelly. 6 (The reporter read the requested 7 testimony.) 8 BY MR. CAFFAS: 9 Q Why would you have to refer to your 10 notes? 11 A For the exact language. 12 Q Do you remember anything about the 13 language that led you to make that statement that 14 the purpose of the call was to solicit the sale of 15 SunPath's vehicle service contracts? 16 A Based on my memory, they gave the name 17 of the company and what they were -- what they 18 were -- I think what they were selling. 19 Q When you say the name of the company, 20 what was the name of the company? 21 A SunPath. 22 Q You say that they used the word</p>	<p>55</p> <p>1 MR. CAFFAS: 4. 2 (Smith Deposition Exhibit No. 4 was 3 marked for identification and was attached to the 4 deposition transcript.) 5 BY CAFFAS: 6 Q This is a packet of documents, Exhibit 7 4, and you'll notice these are Bates stamped. By 8 Bates stamped, they have a label at the bottom 9 right corner and it says Smith and a series of 10 numbers to make it easier to reference. So these 11 are Bates labeled SMITH1 through 20. 12 Now, these are the documents that we 13 received from your counsel with the exception of 14 an e-mail from a company called American 15 Protection and two recordings. I want you to take 16 a few minutes to look through the documents that I 17 have shown you, and can you confirm whether or not 18 this is a full collection of the documents that 19 you say that you had given to counsel that reflect 20 the notes that you provided in this case. 21 A To the best of my knowledge, this is all 22 of the screenshots provided.</p>
<p>54</p> <p>1 "SunPath" as the name of the company, not another 2 company's name? 3 MR. SMITH: Objection, misstates the 4 witness's testimony. 5 A I would have to refer to my notes for 6 exactly what the... 7 BY MR. CAFFAS: 8 Q I'll represent to you that we have not 9 received any notes at all that show what your 10 recollection is of any of these calls. 11 MR. SMITH: Objection. That misstates 12 the question. 13 BY MR. CAFFAS: 14 Q You're saying that any of your notes 15 regarding the calls that we're talking about were 16 given to counsel, right? 17 A After my -- after I received the calls, 18 yes, I put it on my notes and I submitted it. 19 Q I'm going enter what will be -- I think 20 this is Exhibit 5. 21 MR. CAFFAS: Is that correct? 22 THE REPORTER: 4.</p>	<p>56</p> <p>1 Q Now, is it correct to say that there are 2 no notes in that production that contain your 3 description or recollection of any of the calls 4 that you've described? 5 A So these are the lists of the 6 screenshots. 7 Q So is it accurate that the notes that 8 you're referring to about your recollection of the 9 calls, those aren't contained in that set of 10 documents? 11 A I'm not sure how that's like compiled. 12 Q In the set of documents that I just 13 handed you, can you confirm just with a yes or no, 14 if you can, whether or not the notes that you're 15 referring to are in that set of documents? 16 A Of the -- no. 17 Q And I'll represent to you that with the 18 exclusion of an e-mail that contains I believe the 19 SunPath policy quote that you're referring to, we 20 received no other documents, written documents, 21 from you at all. Are you saying that -- 22 MR. SMITH: Objection. That</p>

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<p style="text-align: right;">145</p> <p>1 American Protection from Samantha Yaeger that we 2 discussed earlier, is there a reason you didn't 3 respond in any way including to request not to 4 receive any more calls?</p> <p>5 A No. I just didn't -- you know, I wasn't 6 interested in getting the insurance.</p> <p>7 Q Right, but you weren't interested in 8 receiving additional calls, correct?</p> <p>9 A Correct.</p> <p>10 Q So is there a reason why you didn't 11 respond to that e-mail stating that you didn't 12 wish to receive additional calls?</p> <p>13 A So I -- you know, I forwarded it to my 14 counsel.</p> <p>15 MR. CAFFAS: Can you read the question 16 back, Kelly.</p> <p>17 (The reporter read the requested 18 question.)</p> <p>19 BY MR. CAFFAS:</p> <p>20 Q Can you repeat your response?</p> <p>21 A Okay. So I guess I didn't want to 22 correspond with the e-mail because I didn't want</p>	<p style="text-align: right;">147</p> <p>1 with the correspondents.</p> <p>2 BY MR. CAFFAS:</p> <p>3 Q You contend that June 9 was the last 4 call that you received that you're seeking damages 5 for in this case?</p> <p>6 A Again, whatever I provided initially was 7 correct, but I know that there's the call logs 8 that were received. So that is correct, what's in 9 the logs.</p> <p>10 Q Can you clarify what you mean by that?</p> <p>11 A So when I submitted all the 12 documentation that I had, that was to the best of 13 my knowledge at the time, but I understand that 14 the call logs have different information, and they 15 are -- they are correct.</p> <p>16 Q And when you say the call logs, are you 17 referring to call logs that you believe your 18 counsel has received but you have not yet 19 reviewed?</p> <p>20 A Yes. They just came this week, yes.</p> <p>21 Q So when you say that you believe that 22 the call logs confirm this not to be the case, is</p>
<p style="text-align: right;">146</p> <p>1 any more, you know, back and forth.</p> <p>2 Q And you didn't think that requesting to 3 not to receive more calls would be an approach to 4 not receiving more calls?</p> <p>5 MR. SMITH: Object to form.</p> <p>6 BY MR. CAFFAS:</p> <p>7 Q You can answer.</p> <p>8 A You said to object to not receiving more 9 calls? I'm sorry.</p> <p>10 MR. CAFFAS: Kelly, could you read my 11 question again, please.</p> <p>12 (The reporter read the requested 13 question.)</p> <p>14 A So based on here, I stated that I didn't 15 want to receive more calls.</p> <p>16 BY MR. CAFFAS:</p> <p>17 Q So you thought that forwarding this 18 e-mail to an attorney rather than making a call or 19 making a request not to receive more calls would 20 be the best option to cease receiving calls?</p> <p>21 MR. SMITH: Object to form.</p> <p>22 A Yeah. I just -- I didn't want to engage</p>	<p style="text-align: right;">148</p> <p>1 that based on representations from counsel?</p> <p>2 A Because it's an accurate -- because of 3 the logs that were received by the company versus 4 what I have.</p> <p>5 Q Right. And I'm just saying you haven't 6 reviewed these call logs that you're referring to, 7 right?</p> <p>8 A Correct.</p> <p>9 Q So how do you know that the call logs 10 confirm this?</p> <p>11 A I rely on my counsel.</p> <p>12 Q Do you believe that SunPath is the only 13 company that administers vehicle service 14 contracts?</p> <p>15 A No.</p> <p>16 Q So you're saying that if you received a 17 call soliciting you for vehicle service contracts 18 without mentioning they're SunPath's vehicle 19 service contracts, those would not be about 20 SunPath vehicle service contracts, right?</p> <p>21 A They may or may not.</p> <p>22 Q How do you discern the difference if</p>

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CERTIFICATE OF SHORTHAND REPORTER

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I, Kelly Carnegie, Certified Shorthand

Reporter, Registered Professional Reporter, the
officer before whom the foregoing proceedings were
taken, do hereby certify that the foregoing
transcript is a true and correct record of the
proceedings; that said proceedings were taken by
me stenographically and thereafter reduced to
typewriting under my direction; that reading and
signing was requested; and that I am neither
counsel for, related to, nor employed by any of
the parties to this case and have no interest,
financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto
electronically set my hand and affixed my notarial
seal this 5th day of December, 2022.

My commission expires:

July 31, 2026

 Kelly Carnegie

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COMMONWEALTH OF VIRGINIA - PRINCE WILLIAM COUNTY

Notary Registration Number: 7060756